

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

| TITLE OF CASE   | ATTORNEYS  |
|---|--|
| <b>THE UNITED STATES</b><br><br><b>vs.</b><br><br><b>CHARLES FRANKLIN BARNETT</b> | <b>For U. S.:</b><br><br>Nathan G. Graham<br>Ben Baker<br><br><br><b>For Defendant:</b><br>John Jarboe (Ct. Appt.)<br>Mid-Continent Bldg.<br>Tulsa, Okla. 582-6121 |

| STATISTICAL RECORD     | COSTS      | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|------------------------|------------|------|---------------------|------|-------|
| J.S. 2 mailed 9-30-71  | Clerk      |      |                     |      |       |
| J.S. 3 mailed 12-31-71 | Marshal    |      |                     |      |       |
| Violation Firearms     | Docket fee |      |                     |      |       |
| Title 18               |            |      |                     |      |       |
| Sec. 1202(a)(1)        |            |      |                     |      |       |

| DATE               | PROCEEDINGS  |
|--------------------|--|
| 9-10-71            | Indictment, filed in open court. g   |
| 9-10-71            | Record vote of Grand Jury, filed in open court. g  |
| 9-13-71            | Warrant of Arrest, issued. Bond fixed in amt. of \$5,000.00g   |
| 9-16-71            | Petition for writ of habeas corpus ad prosequendum, filed. g   |
| 9-23-71            | Warrant for Arrest, ret. & filed: defendant arrested 9-17-71. g  |
| 9-23-71            | Writ of habeas corpus ad prosequendum, ret. & filed; defendant taken before Magistrate Bradford 9-17-71. g   |
| 9-22-71            | Deft. present and represented. Reading of indictment waived; deft. arraigned & enters a plea of NOT GUILTY. Deft. given 10 days to file motions and case to be set for jury trial. (LB-J)m |
| 9-27-71            | Order granting writ of habeas corpus ad prosequendum, filed. (AEB-J) ds  |
| 9-29-71            | Case set for jury trial 10-20-71 at 10:00 a.m. (AEB-J)m  |
| 10-5-71            | Application of deft. for leave to file motion out of time, filed. m  |
| 10-7-71            | Order granting application filed.h   |
| 10-7-71            | Motion that Indictment be dismissed; that def. be released from custody and from obligations of the bond set by court. filed.h   |
| 10-7-71            | Defendant's brief in support of motion to dismiss filed.h  |
| <del>10-8-71</del> | <del>Order granting</del>  |
| 10-7-71            | Application for authority to order transcript, filed. m  |

| DATE     | PROCEEDINGS  |
|----------|--|
| 10-12-71 | It is ordered by the Court that hearing on pending motions shall be conducted by Magistrate Bradford. (AEB-J)v   |
| 10-12-71 | Hearing on motion held. Defendant Charles Franklin Barnett present in person and represented by John B. Jarboe (Appt.). The govt. represented by Nathan Graham. It is recommended by Mag. Bradford that Deft.'s Motion to dismiss will be taken under advisement and give atty.s for the plaintiff and deft. three days to submit additional authorities. Magistrate will advise attorneys of the decision. (MLB-USM)v   |
| 10-19-71 | Case transferred to Judge Fred Daugherty for further proceedings. (AEB-J)m   |
| 10-19-71 | It is ordered by the Court on the request of the deft atty John Jarboe, that this case, which is set for Oct. 20, 1971 is passed until 10-21-71 Thursday at 9:30 a.m. (FD-J). js   |
| 10-19-71 | Application to Subpoena Witnesses by the Defendant, filed. -v- The witnesses are the following: (order as a part of the pleading)<br>1. Melvin J. Pierce--Box 265, Route 3--Sapulpa, Oklahoma 74066<br>2. Charles Glen Hayes--1040 N. St. Louis--Tulsa, Okla. 74106<br>3. Wayne (Terry) Conn--Tulsa County Jail--Tulsa, Okla. 74103  |
| 10-20-71 | Application of defendant for leave to amend motion to dismiss, filed; with leave granted by U. S. Magistrate. g  |
| 10-20-71 | Defendant's amended motion to dismiss, filed. g  |
| 10-20-71 | Supplemental brief in support of defendant's motion to dismiss, filed. g   |
| 10-21-71 | Order, filed, directing Clerk to issue subpoenas all at cost of govt. (AEB-J)m   |
| 10-21-71 | Case called for jury trial. Deft. present and represented. Oral motion of deft. to pass case from this jury docket is granted, and case to be reset on next jury docket. (FD-J)m   |
| 11-1-71  | Order by the Court that Magistrate hear Defendant's Motion to Dismiss (filed October 7, 1971) and Amended Motion to Dismiss of Defendant (filed October 20, 1971). (AEB-J)v  |
| 11-1-71  | These motions having been referred to the United States Magistrate for hearing and recommendation, the United States Magistrate recommends that Defendant's Motion to Dismiss (filed 10-7-71) and Amended Motion to Dismiss of Defendant (filed 10-20-71) be denied. (MLB-U.S.Mag.)v   |
| 11-12-71 | Case set for jury trial 11-29-71 at 10:00 a.m. (AEB-J)m  |
| 11-16-71 | Petition for writ of habeas corpus ad prosequendum, filed. v (Writ issued)   |
| 11-18-71 | Subpoenae (3), ret. & filed.g  |
| 11-29-71 | Case called for Jury Trial. Defendant present in person and represented, by John Jarboe, the govt by Ben Baker. Defendant's request for jury waiver granted and waiver of jury signed and filed in open court. Motion of def. for court to accept stipulations as to Indictment and have court rule on case as a matter of law is granted, and formal motion and order to be prepare and filed by John Jarboe on this date, and case taken under advisement, and stricken from docket of this date. (AEB-J)h |
| 12-7-71  | Defendant present in person and represented by John Jarboe, appt. counsel Order signed and filed overruling Def's motion to Dismiss and the Amended Motion to Dismiss. Upon the stipulation the Court finds the defendant guilty as charged in the Indictment , and sentence is hereby passed to Dec. 14, 1971 at 10:00 A.M. (AEB-J)h  |
| 12-14-71 | Defendant Charles Franklin Barnett present in person and represented by John Jarboe, appt. counsel. The govt rep by Ben F. Baker.  |
|          | Judgment and Sentence- Charles Franklin Barnett (32)   |
|          | It is adjudged that the def. is hereby committed to the custody of the Atty Gen or his authorized rep. for imprisonment for a period of  |
|          | Thirty-Six (36) Months, and on the condition that the  |

D. C. 109A  
CRIMINAL DOCKET

| DATE     | PROCEEDINGS   |
|----------|---|
|          | defendant be confined in a jail type or treatment institution for a period of Six (6) months, the execution of the remainder of the sentence of imprisonment is hereby suspended and the defendant placed on probation for a period of Thirty(30) months. The Court recommends that the period of incarceration be in a jail type rather than prison.(AEB-J)h             |
| 12-14-71 | Order of J&C filed and entered. (AEB-J)h  |
| 12-14-71 | Two c.c. of above delivered to USM AND Prob Office. h   |
| 12-22-71 | Return on Writ of Habeas Corpus Ad Prosequendum, filed. Executed on Dec. 7, 1971 by delivering him to U.S. District Court at Tulsa, Okla., and then delivering him to Tulsa County Jail, again as a State prisoner, filed. v  |
| 12-21-71 | Notice of appeal by defendant, filed. cpy to USCA & Counsel. g  |
| 1-11-72  | Deft's Motion for Rehearing and Review, filed. r  |
| 1-11-72  | Deft's Brief in support of Motion for review, filed. r  |
| 1-17-72  | Petition for Writ of Habeas Corpus Ad Prosequendum by the Pltf., U.S.A., filed. v --Order to Judge.   |
| 1-18-72  | Order Granting Writ of Habeas Corpus Ad Prosequendum of the Deft. who is in the Tulsa County Jail, filed. (AEB-J)v  |
| 1-18-72  | Writ issued. v  |
| 1-18-72  | Defendant Charles Franklin Barnett present in person and represented by John Jarboe, appt Counsel. The govt. rep. by Ben F. Baker. It is ordered by the court that pursuant to T.22 U.S.C. 2255, the plea of guilty as to the def. is hereby vacated and set aside, and held for naught, therefore the Indictment is hereby dismissed and the defendant released.(AEB-J)h |
| 1-18-72  | Dismissal of appeal filed by defendant. h (cpy to USCA & US Atty.)  |
| 1-18-72  | Order that judgment of this court entered 12-7-71 and resulting sentence be set aside filed and that indictment dismissed and def. released from custody.(AEB-J)h   |
| 2-8-72   | Return on Judgment and Commitment, filed. Return UNEXECUTED. Dismissed by Judge Allen E. Barrow. v  |
| 2-8-72   | Marshal's return of writ of habeas corpus ad prosequendum, filed. rm  |

| DATE | PROCEEDINGS |
|------|-------------|
|      |             |



[illegible]

Dated September 20, 1971

*United States Magistrate*